IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

REVIEW PETITION (L) NO.32961 OF 2004

in

WRIT PETITION NO. 2351 OF 1992

Gajanan Kisan Salgar .. Petitioner

versus

1. Ranjanibai A.Alandkar & ors .. Respondents

Mr.R.K.Mendadkar for Applicant

Mr.A.Sakhare for Respondents

CORAM : D.G. KARNIK, J

DATED : 10th August 2005.

P.C.

1. Heard learned counsel for the parties. Learned counsel for the petitioner points out one typographical error appearing in line no.10 on page 3 of the judgment and order dated 26th August 2004. The error is corrected as follows :

" The words and figures "1st May 1982" be

substituted for the words and figures "1st August 1982. "

2. Learned counsel for the petitioner also prays for the review of the order dated 26th August, 2004 on the ground that the judgment of the Division Bench of this court in Chaganlal Mulchand vs Narayan Jagannath reported in 1983 MLJ 254 relied upon in my judgment sought to be reviewed has been impliedly over ruled by the judgment of the Supreme Court rendered in Chimanlal vs. Mishrilal reported in (1985) 1 SCC 14. I have perused the judgment of the Supreme Court. I do not find that the judgment of the Division Bench in Chaganlal's case to have been in any way overruled by the judgment of the Supreme Court.

3. The petitioner had challenged the order sought to be reviewed by filing of a Letters Patent Appeal, which has been dismissed as not maintainable. Under Order 47 of the Code of Civil Procedure no review lies when an appeal is filed. Hence also review petition is not maintainable.

4. Review application is rejected summarily.

D.G.KARNIK, J